

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

vs.

CASE NO. 99-CR-299-04(PG)

ALEX MORALES-ORTIZ

**MOTION NOTIFYING SUPERVISED RELEASE VIOLATIONS
AND REQUEST FOR A WARRANT**

TO THE HONORABLE JUAN M. PEREZ-GIMENEZ
U.S. DISTRICT JUDGE
DISTRICT OF PUERTO RICO

COMES NOW, Miriam Figueroa, U.S. Probation Officer of this Court, presenting an official report on the conduct and attitude of releasee, Alex Morales-Ortiz, who on October 4, 2000 was sentenced to sixty (60) months of imprisonment after pleading guilty of violating Title 21, U.S.C. § 846 and 841 (a) (1), to be followed by an eight (8) year supervised release term. Mr. Morales was released from custody on March 19, 2004.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

Since his release from custody the offender had complied with his conditions until he incurred in the following violations:

1. SPECIAL CONDITION NO. 2- "THE DEFENDANT SHALL REFRAIN FROM THE UNLAWFUL USE OF CONTROLLED SUBSTANCES, AND SUBMIT TO A DRUG TEST WITHIN FIFTEEN DAYS OF RELEASE ON SUPERVISED RELEASE, AND THEREAFTER WHEN SO REQUESTED BY THE U.S. PROBATION OFFICER. IF ANY SUCH SAMPLES DETECT SUBSTANCE ABUSE, THE DEFENDANT SHALL, AT THE DISCRETION OF THE U.S. PROBATION OFFICER, PARTICIPATE IN A SUBSTANCE ABUSE TREATMENT PROGRAM, ARRANGED AND APPROVED BY THE U.S. PROBATION OFFICER UNTIL DULY DISCHARGED BY AUTHORIZED PROGRAM PERSONNEL WITH THE APPROVAL OF THE U.S. PROBATION OFFICER."

On February 18, 2005, offender attempted to provide a false urine (bringing urine in a bottle) and subsequently admitted to the use of heroin. Therefore, on February 25, 2005, he was referred to a 15 day detox drug treatment program. On March 29, 2005, offender again tested positive to heroin and was referred to the Burphenorphine Program, specially designed for heroin users. However, on November 8, 2006, offender again tested positive to heroin and on November 30, 2006, he admitted having used heroin. On February 13, 2006, a year later after the incident of the false urine, offender again attempted to provide another false urine. When confronted with said situation and instructing him to remain in the waiting room until he could provide another urine sample, offender left the U.S. Probation Office and has not returned nor has he telephonically contacted this officer as of the submission of this report. Additionally, during the aforementioned period offender failed to provide surprise urines on twelve (12)

occasions. He also failed to report to his counseling sessions on twenty (20) occasions of which nine were excused.

WHEREFORE, I declare under penalty of perjury that the foregoing is true and correct. In lieu of the aforementioned, it is respectfully requested that, unless ruled otherwise, a warrant be issued for Mr. Morales' arrest so that he may appear before this Honorable Court to show cause why his supervised release should not be revoked. Thereupon, he be dealt with pursuant to law.

Since the appointed counsel in this case, Ivan Domínguez passed away, it is further requested that the Court appoint counsel to represent this offender.

In San Juan, Puerto Rico, this 23rd day of March 2006.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/ Miriam Figueroa
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CERTIFICATE OF SERVICE

I HEREBY certify that on March 20, 2006, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Aramis G. Rios, Assistant U.S. Attorney and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participant: Joseph Laws Jr., Federal Public Defender.

At San Juan, Puerto Rico, March 23, 2006.

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